Per G.S. Singhvi, CJ.

This appeal is directed against order dated 28.11.2005 passed by the learned Single Judge whereby he dismissed the writ petition filed by the appellant for quashing of the notification dated 27.4.2005 issued by Revenue Divisional Officer, Siddipet Division, Medak District (hereinafter referred to as 'the RDO') for appointment of fair-price shop dealer at Duddeda village, Kondapaka mandal.

A perusal of the record shows that while the appellant was operating as fair price shop dealer at Duddeda village, Kondapaka mandal, Deputy Tahilsdar (Civil Supplies), Siddipet submitted report dated 6.8.1998 to the RDO that the appellant had not distributed essential commodities in the month of May, 1998; that he had diverted the stock into black market and that he had not maintained the record and did not obtain the signatures of the card holders. On receipt of that report, notice dated 3.9.1998 was issued to the petitioner requiring him to show cause against the proposed cancellation of his authorization. After considering the explanation given by the appellant, the RDO vide his order dated 22.10.1998 cancelled the authorization. He held that there was shortage of one quintal and ninety kgs. of PDS rice and that the appellant had not obtained the signatures of the card holders.

The appeal filed against the order of RDO was dismissed by Joint Collector, Medak vide his order dated 5.2.2001. The Joint Collector observed that the explanation given by the dealer regarding shortage of the rice was unacceptable and there was no valid ground or justification to interfere with the order passed by the RDO. Revision filed by the appellant against order dated 5.2.2001 was dismissed by Collector, Medak vide his order dated 20.5.2005 as barred by limitation.

In the writ petition filed by him, the appellant did make prayer for quashing of orders dated 22.10.1998, 5.2.2002 and 20.5.2005, but the counsel appearing on his behalf did not advance any argument

before the learned Single Judge in this regard and confined his submission to the appellant's challenge to notification dated 27.4.2005 issued by the RDO for appointment of a new dealer. The learned Single Judge held that in the face of order passed by the competent authority for cancellation of the authorization of the writ petitioner, there was no valid ground or justification to entertain his objection against the action initiated by the competent authority for appointment of new fair price shop dealer.

Shri S.B. Lingaiah Yadav reiterated that the decision of the RDO to re-advertise fair price shop is vitiated by an error of law because, while doing so, the officer concerned overlooked the fact that despite the cancellation of his authorization, the appellant continued to operate the fair price shop. Learned counsel emphasized that appellant has subsisting right to continue to operate as fair price shop dealer and, therefore, no one else can be appointed in his place.

In our opinion, there is no merit in the argument of the learned counsel. Since, the appellant's prayer for quashing of orders dated 22.10.1998, 5.2.2001 and 20.5.2005 passed by the RDO, Joint Collector and Collector respectively was not pressed before the learned Single Judge, the latter cannot be said to have committed an error when he refused to nullify the notification dated 27.4.2005 issued for appointment of a new fair price shop dealer. In our view, the appellant does not have the *locus standi* to question the action of the RDO to invite applications for appointment of new fair price shop dealer.

Faced with this, learned counsel for the appellant argued that the order passed by the RDO cancelling his client's authorization should be declared as vitiated by an error of law and quashed because the officer concerned did not take into consideration the detailed reply filed in response to the show cause notice. He further argued that the Joint Collector and Collector did not apply their mind to the core issue raised by the appellant and dismissed his appeal

and revision by cryptic orders.

In our opinion, there is no merit in the contention of the learned counsel. A reading of order dated 22.10.1998 shows that after considering the explanation furnished by the appellant in response to the show cause notice, the RDO gave detailed reasons for not accepting the same. He observed that the appellant had not given any explanation regarding shortage of one quintal and ninety kgs of PDS rice and his failure to obtain the signatures of the card holders and maintain the record as per the requirement of A.P. Scheduled Commodities (RDCS) Order, 1973. The findings recorded by the RDO were confirmed by the Joint Collector and Collector by assigning independent reasons. Therefore, we do not find any valid ground to entertain the appellant's belated challenge to orders dated 22.10.1998, 5.2.2001 and 20.5.2005. Indeed, it is neither the pleaded case of the appellant nor his counsel argued that the RDO did not have the jurisdiction to cancel the authorization of the fair price shop. Therefore, it is not possible to find any fault with the order passed by the RDO, which was confirmed by the Joint Collector and Collector, Medak.

For the reasons mentioned above, the appeal is dismissed.

G.S. SINGHVI, CJ.

R. SUBHASH REDDY, J.

December 28, 2005.

Mvb/vtv